



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. ^c	CONFIRMATION NO.
09/803,715	03/09/2001	Jia Li	91-C-127C1 (STM101-00022)	1849
30425	7590	08/15/2006	EXAMINER	
STMICROELECTRONICS, INC. MAIL STATION 2346 1310 ELECTRONICS DRIVE CARROLLTON, TX 75006			MALDONADO, JULIO J	
			ART UNIT	PAPER NUMBER
			2823	

DATE MAILED: 08/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

✓

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/803,715

Applicant(s)

LI, JIA

Examiner

Julio J. Maldonado

Art Unit

2823

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 31 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

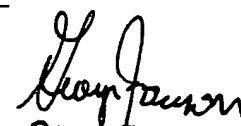
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1 and 32-45.
Claim(s) withdrawn from consideration: 46 and 47.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


George Fouson
Primary Examiner

Continuation of 3. NOTE: The amendment filed 07/31/2006 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because the proposed amendment raises new issues that would require further consideration and/or search. The amended independent claims now add the limitation "...p-type...n-type..." in claim 1 and "...of the second conductivity type...of the first conductivity type..." in claim 38, where there was no mention within the claims of this limitation. The amendment raises new issues into the prosecution of the instant application and would thus provide grounds for a new search and further consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments filed 07/31/2006 have been fully considered but they are not persuasive.

Applicants argue, "...No motivation exists for combining selected patterning steps from the two alternative processes as proposed in the Office Action, nor does the reference provide any reasonable expectation of success...". In response to this argument, Katoh et al. was relied on a method of forming isolation regions, regardless whether the isolation regions are formed in areas of different conductivity type or of the same conductivity type, or would end up having different purposes. Specifically, one of the embodiments of Katoh et al. teaches forming isolation regions following the formation of the patterned regions as claimed. Another embodiment of the invention of Katoh et al. teaches forming isolation regions in areas of a substrate having the regions of disclosed in the claimed substrate. As it was explained in the prior office action, since both embodiments of the invention described in Katoh et al. end up at the same stage, that is, the formation of the channel stop regions, prior to the formation of the isolation step (Figs. 1C and 6C), and furthermore, the embodiments of the invention may be modified or altered in any form (Katoh et al., column 8, lines 30 - 31), one of ordinary skill in the art at the time the invention was made would have been motivated to look to alternate the embodiments disclosed by Katoh et al. to form the above mentioned isolation regions because art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07.

Also, applicants argue, "...The final Office Action further states: One of ordinary skill in the art at the time the invention was made would have been motivated to look to alternate the embodiments disclosed by Katoh et al. to form the above mentioned isolation regions because art recognized suitability for an intended purpose has been recognized to be motivation to combine. MPEP 2144.07...However, as stated in the MPEP section above, the principle applies to selection of materials, not processing steps...". In response to this argument, MPEP 2144.07 teaches art recognized suitability for an intended purpose, which could be materials and processes.